

4/15/2015

Public comment - Closed session

President Longville, Chancellor Baron, Members of the Board and Administration

I am Sheri Lillard, President of the San Bernardino Community College District Teachers Association – CTA/NEA. I rise this evening to address the District’s negotiated new article with the CSEA regarding the possible teaching assignments of Classified Staff.

Let me be clear – our Association respects anyone who has the desire to teach and work with our students and our community, who form the very core of why our Community College exists. This is not a concern regarding that commitment.

What is of concern to the CTA is the following:

Has the District

1. ~~Has the District~~ ^{considered that} the use of terms & conditions embedded in our coll barg agr

~~section 10~~ crosses the line btwn the separate unions.

1. Has the District created a problem for itself under the regulations of the Fair Labor Standards Act when they co-mingle exempt and non-exempt work within the same employer.
2. Has the District failed to recognize that, for the period of time that the CSEA bargaining unit members are in the “teaching” position, CTA considers them our bargaining unit members, therefore subject to our dues structure, our collective bargaining agreement, and our rules and procedures?
3. Has the District considered the question of which union has the responsibility to address violations of the faculty collective bargaining agreement whenever a CSEA employee is “teaching?”
4. Has the District considered how to handle a situation where the individual who is “teaching” under this agreement is not rehired and how that will be addressed?
5. Has the District considered that CTA will consider this agreement a unilateral change in the bargaining unit as a result of a de-facto change in the recognition clause without negotiating that change with the duly authorized collective bargaining agent responsible for the faculty collective bargaining agreement?
6. Has the District considered that the members of the SBCCDTA are also members of the State Teachers Retirement System while classified employees are members of PERS? Have you considered that STRS might consider this double dipping and would therefore raise concerns with the District?
7. Has the District considered that CTA will have every reason to address these actions and questions through the Unfair Practice process afforded to us under the Educational Employment Relations Act and the Public Employment Relations Board?

Which contract

It is our collective hope that the District can find an amicable resolution to this well-intentioned effort which will definitely produce unintended consequences should it stand in its current state.